

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

REBECCA ZWICKER,
Plaintiff,

v.

**FOOD MANAGEMENT PARTNERS, INC., ET
AL.,**
Defendants.

Case No. 15-cv-01979-YGR

ORDER REQUIRING JOINT STATEMENT

Re: Dkt. No. 8


On June 5, 2015, defendants filed a motion to dismiss or stay proceedings based on a first-filed action they argue is “completely duplicative” of the instant case. (Dkt. No. 8 at 1.) In response thereto, plaintiff noted that after she filed this lawsuit, defendant Catalina Restaurant Group, Inc. provided her with a signed copy of an arbitration agreement between her and the company. (Dkt. No. 14 at 2.) In light of her receipt of this agreement, she stated her present intention to “pursue her claims in arbitration.” (*Id.*) Thus, plaintiff does not oppose defendants’ motion to stay this case, and in fact independently requested imposition of a stay “pending Plaintiff’s request to arbitrate the matter pursuant to her arbitration agreement.” (*Id.*) Defendants did not file a reply brief by the deadline. However, on June 22, 2015, after the case was reassigned, defendants re-noticed the motion to be heard by the undersigned.¹ In light of these circumstances, the Court hereby **ORDERS** the parties to file a joint statement by **July 15, 2015**, advising the Court as to the status of the potential arbitration and, to the extent they agree,

¹ The Court notes that defendants improperly re-noticed the motion for a date listed as unavailable on the Court’s calendar. Therefore, if the parties do not reach a stipulation disposing of the pending motion, defendants shall re-notice it for an available date.

1 stipulating to a stay or other resolution of the pending motion.

2 **IT IS SO ORDERED.**

3 Dated: July 10, 2015

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5 YVONNE GONZALEZ ROGERS
6 UNITED STATES DISTRICT COURT JUDGE
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